

REMARKS

This is in response to the Office Action dated January 23, 2006. In the Office Action, Claims 1-9 and 12-33 were rejected and Claims 10-11 were allowable if rewritten into independent form. Claim 10 has been rewritten into an independent form. It is respectfully submitted that, as amended, all the pending claims are allowable.

Rejection under 35 U.S.C. 102(b)

Claims 1-9 and 12-25 were rejected under 35 U.S.C. 102(b) as being anticipated by Funkhouser et al. (hereinafter "Funkhouser et al."), (US 2002/0193925).

Claims 1, 6, 13-15, 20, 25 and 29

Regarding Claims 1, 6, 13-15, 20, 25 and 29, the Examiner indicated a view that:

"Funkhouser discloses a vehicular diagnostic tool [Figures 1-5] ... comprising:

an input port [ODB II port plug 64 in Figure 2/also known as data link connector; also see ODB II connector 56 in Figure 3] for receiving vehicular diagnostic codes output from a vehicle under test [vehicle 18] [see Funkhouser: Paragraph [0040], [0055], [0064], [0066], [0071], and [0074]

a code parser for parsing the received diagnostic codes into diagnostic code segments;

a code translator for correlating diagnostic code segments into diagnostic descriptor segments;

and a combiner for combining the code descriptor segments to derive composite diagnostic code descriptor, the composite code descriptor being collectively representative.

The Examiner further recited paragraphs [0079]-[0092] and stated that "it is the Examiner's position that "software" with the algorithm as described above so as to correlate and "interpret" the DTCs (low level language) to provide a human-readable report in a natural language (high-level language), which meets the claimed "parser, code transfer, composite code descriptor".

The Applicant has carefully studied the cited reference Funkhouse and understood that, paragraphs [0088] to [0092] provide detailed description of the software to provide the human readable report as:

“[0088] The error codes are processed by the software within the server 34 to provide a human readable report in a natural language, that will be transferred back to the user in a natural language. For example, an output for a particular code can appear as follows:

[0089] DTC Number: P0171 [from public domain data]

[0090] DTC Name: System 2 Lean (Bank One) [from public domain data]

[0091] Description: Error/Air level too high (text added by applicant's software)

[0092] Suggestions: It is possible that one or more fuel injectors are clogged. As an initial remedy, try a bottle of fuel injector cleaner. [Text to be added by applicant's software].”

As understood, all Funkhouser discloses is to transfer a DTC, that is, a diagnostic trouble code such as P0171, into a human readable report in a natural language, that is, the description of “Error/Air level too high”. Funkhouse fails to teach whether each individual character (such as the letter P, the number 0, 1, 7, 1, or any combination thereof) indicates any specific meaning or not. In contrast, it is not unreasonable for one of ordinary skill in the art to consider the code P0171 being simply mapped to the 16,171th description from the first condition at A000 in the lookup table, particularly when memory capacity is as massive as an Internet Server. In such case, the diagnostic code may not mean anything if being parsed into segments.

It is understood that **a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described**”. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Clearly, Funkhouser does not expressly disclose the code parser for parsing the diagnostic codes into diagnostic code segments, a code translator for correlating diagnostic code segments to corresponding diagnostic descriptor segments; and a combiner for combining the code descriptor segments to derive composite diagnostic code descriptors” as claimed in Claim 1.

With regard to the inherency, “To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with

recourse to extrinsic evidence. **Such evidence must make clear that the missing descriptive matter is NECESSARILY PRESENT in the thing described in the reference, and it would be so recognized by persons of ordinary skill.**

As discussed above, without specifically disclosing the diagnostic code (such as P0171) being separable into segments and the correlation between the segments and specific condition descriptions (such as Error/Air level too High), it is not unreasonable to interpret the string P0171 as a sequential representation allowing the software/computer to easily locate and retrieve the description in a lookup table or a database. In other words, the missing descriptive matter, that is, the code parser, code translator and the combiner as claimed in Claim 1 are not necessarily present in the description in paragraphs [0079] to [0092] cited by the Examiner or anywhere in Funkhouser.

As Funkhouser fails to expressively or inherently disclose every element as claimed in Claim 1, the rejection over Claim 1 is respectfully traversed.

Similar to Claim 1, the rejection over Claim 6 is respectfully traversed because Funkhouser fails to expressly or inherently disclose the steps of parsing the received diagnostic code to derive diagnostic code segments, translating the diagnostic code segments and combining the diagnostic descriptor segments.

With regard to Claims 13-14, as the Funkhouser fails to teach parsing and combining code segments, Funkhouser does not only fail to teach, but also shows no desirability of deriving generic descriptor segments and specific descriptor segments.

With regard to Claims 15 and 20, the Examiner further indicated:

“As mentioned in Funkhouser, at paragraphs [0040]-[0043], [0047], [0058], [0060], and [0062], that the hand held device 12 or 200 [in Figures 2, 3, and 5], is **not designed to include sufficient display or processing capabilities to process the error codes on its own**, or to display results of the processed data on its display to enable the device to lower the manufacture-cost as the memory required to maintain all of the database information. Although the capability of these processing, displaying, communication and memory components are still necessary, these capabilities already exist within devices such as personal computers 26 and the web server 34. Also the LED display is preferably over the full screen type LCD display so as to minimize the cost. It is the Examiner’s position that this meets the claimed “handheld electronic automobile diagnostic device” or “the method

for displaying on a handheld device” as set forth in Claims 15 and 20, respectively.”

As recognized by the Examiner, Funkhouser specifically discloses that the **handheld device 12 or 200 is not designed to include sufficient display or processing capabilities to process the error codes on its own**”. Following such description, Funkhouser teaches, in paragraph [0041], “Although the capability of these processing, display, communication and memory components are still necessary, these capabilities already exist within devices, such as personal computers 26, and the web server 34”. All such descriptions, as understood by the Applicant, expressly indicate that the computer 26 and the web server 34, **being separate devices from the handheld device 12 or 200**, are used to display or process the error codes. Again, it further confirms that, the **handheld device 12 or 200 by itself** does not provide the display and process capability.

Claim 15 includes “**A handheld** electronic automobile diagnostic device comprising a computer readable medium for displaying automobile diagnostic codes and affiliated descriptors”. Unless the Examiner can cite any teaching discloses **that the personal computer 26 and the Internet server 34 can be handheld by a user**, Claim 15 does not appear to be anticipated by Funkhouser.

With regard to Claim 20, what is claimed is “a method **for displaying** automobile diagnostic codes and affiliated **descriptors** of the diagnostic codes **on a HANDHELD** electronic automotive diagnostic **device**”. Again, unless Funkhouser specifically discloses that “the personal computer 26 and the Internet server 34” being or included by a HANDHELD device, the rejection over Claim 20 is respectfully traversed.

With regard to Claims 25 and 29, again, all that Funkhouser teaches is to translate a diagnostic code into a description, Funkhouser does not shows any teaching or desirability of the diagnostic code segments and combination thereof. Therefore, the rejection over Claims 25 and 29 is respectfully traversed.

Claims 2 and 12

The Examiner indicated a view the parser is operative code descriptor to parse received diagnostic codes into generic code segments and specific code descriptor segments [see Funkhouser: Paragraph [0088] – [0092]].

Again, Funkhouser disclosed in Paragraph [0088]-[0092] a software to process the error code and transfer the human readable report back to the user. The cited teaching fails to expressly or inherently that the software using a parser to parse the error code. Further, nowhere can the Applicant find any teaching of the “generic code segments and specific code descriptor segments” in the cited teaching. The rejection over Claims 2 and 12 is thus respectfully traversed.

Claims 3 and 16

The Examiner indicated a view that “Funkhouser discloses the code translator includes a look-up table including generic descriptor segments and specific descriptor segments”.

The Applicant respectfully requests the Examiner to specify the paragraphs of Funkhouser that teach “a look-up table **including generic descriptor segments and specific descriptor segments**”.

Claims 4 and 5

Again, the Applicant cannot find anywhere does Funkhouser specifically teach “the generic descriptor segments”, “the generic diagnostic code segments”, “the specific descriptor segments”, “the specific diagnostic code segments”, not to mention the correspondence between them. Therefore, the rejection over Claims 4 and 5 is respectfully traversed.

Claims 7-9, 17-22

Being depending upon on the patentable Claim 1, 15 and 20, respectively, Claims 7-9, 17 and 22 are believed patentable over Funkhouser.

Claims 18, 23, 26 and 31

The Examiner cited paragraph [0058] and indicated that “Funkhouser discloses the descriptor table(s) and the composite code table(s) are stored within said flash memory”

What is disclosed in [0058] of Funkhouser is:

The heart of the components is the main processor 84 which preferably ... The purpose of the flash type interface memory device 90 is **to store the error codes THAT ARE RETRIEVED FROM THE VEHICLE**. The “error codes that are retrieved from the vehicle” appears to be the “received vehicular diagnostic codes”, not the descriptor table and the composite code” as claimed. On the contrary, according to paragraph [0088] to [0092], it appears that that the descriptor table, if exists, is stored in the server 34 rather than the flash memory of the hand held device. Therefore, Funkhouser does not only fails to teach, but actually teaches away Claims 18, 23, 26 and 21.

Claims 19, 24, 27, 28, 32 and 33

Claims 19, 24, 27, 28, 32 and 33 all include a step of copying the identified descriptor table into SRAM of the **handheld device**. Funkhouser, by specifically disclosing the insufficiency of memory capacity, teaches away the copying step as disclosed.

Therefore, the rejection over Claims 19, 24, 27, 28, 32 and 33 is respectfully traversed.


Application No.: 10/759,655
Response to Office Action of January 23, 2006
Attorney Docket: EQUUS-105A

Conclusion

On the basis of the foregoing, Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability and respectfully requests that the Examiner indicate the allowance of Claims 1-33 of the present application. An early Notice of Allowance is therefore respectfully requested. If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: Mar 13, 2006 By: _____



Customer No.: 007663

Bruce B. Brunda
Registration No. 28,497
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371

T:\Client Documents\EQUUS\105a\amd_1.23.06_oa.doc
BBB:JW